

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

UNITED STATES OF AMERICA	)	
	)	
v.	)	No. 2:19-CR-14
	)	District Judge Greer
XIAORONG YOU	)	
aka SHANNON YOU	)	

**UNOPPOSED MOTION TO**  
**SEAL HIGHLY CONFIDENTIAL TRIAL EXHIBITS**  
**NUNC PRO TUNC**

To ensure appropriate treatment in the court of appeals, The United States of America moves for a nunc pro tunc order sealing certain trial exhibits, the disclosure of which the United States maintains would reveal trade secrets or other confidential information belonging to the seven victim companies in this case. The United States has not previously moved to seal the exhibits because the trial exhibits are kept by the U.S. Attorney's Office and, therefore, not publicly available absent a request to that office. Moreover, the Court and counsel implemented measures at trial to protect the confidentiality of the information at trial including: (1) turning off public-facing monitors when counsel displayed alleged trade secrets; (2) the Court, counsel, and witnesses discussing the alleged trade secrets without directly referencing detailed technical information in the documents; and (3) redaction of the public transcripts post-trial to the extent they revealed such detailed information.

Sealing is necessary now, however, to protect the trade secrets as part of the record in the defendant's appeal. The Sixth Circuit Rules provides that "[i]f the district court forwards a sealed document, this court will give the document the same confidential treatment." 6 Cir. R. 11(c)(1). Moreover, "[a] person seeking to unseal a document sealed by the district court must move to unseal first in the district court." *Id.* R. 11(c)(2). "Documents sealed in the lower court

. . . must continue to be filed under seal in [the court of appeals].” *Id.* R. 25(h)(5). The United States thus seeks sealing now so that exhibits the United States asserts contain trade secrets or other confidential information continue to receive the same confidential treatment they have received thus far.

The United States, therefore, requests the Court issue a nunc pro tunc order sealing the government’s trial exhibits listed below.

- 6f
- 8f
- 11q
- 13c-13n
- 17d-17f
- All exhibits in the 23 series (23a – 23o)
- All exhibit in the 24 series (24a – 24ff)
- All exhibits in the 25 series (25a – 25z)
- All exhibits in the 26 series (26a – 26vv)
- All exhibits in the 27 series (27a – 27e)
- All exhibits in the 28 series (28a – 28n)
- All exhibits in the 29 series (29a – 29y)

The government maintains that those exhibits contain confidential and proprietary information related to the compositions of BPA-free coatings for the inside of food and beverage cans. As presented at trial, the victim companies collectively spent over \$120 million to develop the compositions of their BPA-free coatings and protect the compositions of their coatings as trade secrets. Public disclosure of such valuable information would allow competitors of the victims

to develop coatings without substantial investment in research and development the victims undertook.

The United States has consulted with counsel for the defendant, who represented that the defendant does not oppose the requested sealing.

Respectfully submitted this 31st day of August 2022.

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